

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 11-4055-01-CR-C-FJG
)
)
DOMINIC J. VEIT,)
)
)
Defendant.)

ORDER

Currently pending before the Court is defendant's Motion for a Bill of Particulars (Doc. # 33).

Defendant is charged with the offenses of distribution of child pornography in violation of 18 U.S.C. §2252(a)(2) and (b)(1) and possession of child pornography in violation of 18 U.S.C. §2252(a)(4) and (b)(2). The Government seized a computer and computer related evidence from defendants' home. Defendant states that the indictment generally alleges that he possessed and distributed child pornography, but fails to state the exact file names and locations of the alleged pornography.

The Government filed a response stating that due to the nature of the charges against defendant, it is unnecessary and/or inappropriate to describe each specific image alleged in the indictment and that all of the images have been and continue to be available to defendant for review. The Government also notes that the Grand Jury transcript cites to exhibits which were the basis for both Counts One and Two and these

transcripts and exhibits have also been made available to the defendant in discovery.

On October 31, 2013, United States Magistrate Matt J. Whitworth entered a report and recommendation (Doc. # 41) which recommended denying Defendant's Motion for a Bill of Particulars. Judge Whitworth found that the indictment is legally sufficient and does not require a bill of particulars to be provided by the Government. Judge Whitworth also noted that the Government has an "open-file" discovery policy in this case and this policy has provided defense counsel and/or his expert with the details supporting the child pornography charges in the indictment. Judge Whitworth found that this information is legally sufficient and fairly informs the defendant of the specific conduct which forms the basis of the charges.

No objections were filed to the Report and Recommendation. The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** Defendant's Motion for a Bill of Particulars (Doc. # 33).

Date: December 17, 2013
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge